

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

~~~~~X  
ADA ALICEA,

Plaintiff,

- *against* -

CIRCUIT CITY STORES, INC.,

Defendant  
~~~~~X

CIVIL ACTION
FILE NO.: 07 Civ. 6123 (DC)

DECLARATION OF
MATTHEW G. PARISI

ECF CASE

I, MATTHEW G. PARISI, in accordance with 28 U.S.C. § 1746, do hereby declare:

1. I am a member of the bar of this Court and a partner with the law firm of Bleakley Platt & Schmidt, LLP, co-counsel for Defendant Circuit City Stores, Inc. ("Circuit City") in the above-captioned action. I have knowledge of the facts set forth below from personal knowledge or from a review of the files in possession of my firm.

2. I respectfully submit this declaration in support of Circuit City's motion to dismiss the Complaint for failure to state a claim upon which relief may be granted.

3. Attached as Exhibit 1 is a copy of Plaintiff's Complaint. While Plaintiff's Complaint refers to a receipt obtained by Plaintiff from Circuit City, no such receipt was attached to the Complaint and none have been provided, although duly requested.

4. Attached as Exhibit 2 is a copy of Circuit City's Notice of Removal.

WHEREFORE, for the reasons stated herein and in Circuit City's accompanying Memorandum of Law, Defendant Circuit City respectfully requests that this Court enter an Order dismissing the Complaint in its entirety on the grounds that Plaintiff failed to state a claim upon which relief may be granted.

/s Matthew G. Parisi
Matthew G. Parisi (MP 2188)